

Serial No.: 09/648,575  
Docket No.: 33081.0500

### **REMARKS**

Applicant replies to the Office Action dated January 10, 2006, within the shortened three month statutory period for reply. Claims 1, 3, 4, and 6 were pending in the application and the Examiner rejects claims 1, 3, 4, and 6. Support for the amendments to the claims and specification may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

### **Rejections Under 35 U.S.C. § 103**

Claims 1, 3, 4, and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swart, U.S. Patent No. 6,347,306 ("Swart"). Applicant traverses this rejection.

Swart generally discloses a payroll system wherein payment for salaried employees may be made following completion of a shift. Specifically, the Swart system interacts with a company's Time and Attendance (TA) system and Human Resources (HR) system to collect shift information and calculate a payment amount. Typical TA systems rely on input from the employee to determine if the employee worked his shift, and determine the duration of the shift. Typical HR systems store employee information such as name, social security number, department code, shift information, pay scale, tax information, vacation days, personal leave, and the like. When a TA system receives a signal indicating that an employee shift has ended, it sends this information to the Swart system. The Swart system then collects payroll information from the HR system to calculate the net pay based on the shift duration. The Swart system then communicates with a bank to issue a request to disperse a check or invoke a direct deposit into the employee's account.

In interpreting the claims, the Examiner has drawn a parallel between the personal financial service provider of the present invention with the bank disclosed by Swart. Swart is limited to a system for automating a task that has traditionally been the responsibility of a payroll administrator. The Swart system is integrated within the existing computing infrastructure of an organization to receive inputs from TA and HR systems and calculate a payroll disbursement. The Swart system further communicates with a bank to initiate a deposit into an employee bank account. However, the bank is not concerned with the employee's affiliation with the organization issuing the deposit request. As such, Swart does not disclose or suggest at least a "personal financial service provider including a data center configured to store financial data

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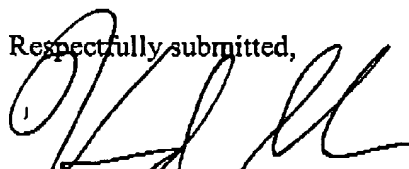
associated with said employee and calculate a payroll disbursement, wherein said personal financial service provider is configured to electronically receive said employee funds directly from said worksite employer based on said calculated payroll disbursement and configured to electronically disburse said employee funds to third parties prior to allowing said employee to disburse said funds via said access point," as recited by amended independent claim 1.

Applicant asserts that claims 3, 4, and 6, which depend from independent claim 1, are differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of their own respective features.

In view of the above remarks, Applicant respectfully submits that all pending claims properly set forth that which Applicant regards as his invention and are allowable over the cited references. Accordingly, Applicant respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicant authorizes and respectfully requests that any fees due be charged to Deposit Account No. 19-2814, including any required extension fees.

Dated: 4/12/06

Respectfully submitted,

  
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